

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

***IN RE: REALPAGE, INC., RENTAL  
SOFTWARE ANTITRUST LITIGATION  
(NO. II)***

**Case No. 3:23-MD-3071  
MDL No. 3071**

**This Document Relates to:  
ALL CASES**

**Chief Judge Waverly D. Crenshaw, Jr.**

**DECLARATION OF JAMES G. KRESS**

1. I am a partner in the law firm Baker Botts LLP, counsel to Defendant Avenue5 Residential LLC (“Avenue5”) in this matter.
2. I make this declaration in support of Certain Defendants’ Memorandum Of Law In Support Of Motion To Dismiss For Failure To Plead Agency Liability.
3. Avenue5 was named as a defendant in the case captioned *Cherry, et al v. RealPage Inc. et al*, Case No: 2:22-cv-01618 (WD Wash. 2022), consolidated as part of this action. The complaint in *Cherry* alleged that one of the named plaintiffs, Ms. Trochalakis, “rented a multifamily residential unit in a property managed by Lessor Defendant Avenue5 in and around downtown Seattle, Washington, beginning in 2021”).
4. Attached hereto as Exhibit A is a true and correct copy of the lease contract between Ms. Trochalakis and the owner of that property, 225 Roy, LLC. Avenue5 is referenced in that lease contract as “manager” or “owner’s representative.”

I declare under penalty of perjury under the laws of the District of Columbia that the foregoing is true and correct to the best of my knowledge and belief.

/s/ James G. Kress